IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

R.S.A. No.4083 of 2006
Date of Decision : 29.10.2007

Karan Singh

.....Appellant

Versus

Shavitri & others.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. B.R. Vohra, advocate
for the appellant.

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VINOD K. SHARMA, J. (ORAL)

This regular second appeal has been filed against the judgments and decrees passed by the learned Courts below vide which suit for declaration with a consequential relief of possession, has been ordered to be dismissed.

The plaintiff by way of civil suit challenged the judgment and decree dated 18.10.1994 in civil suit No. 908 of 1994 titled as Vikram Singh etc. Vs. Smt. Sharti regarding the suit land. The decree was challenged on the ground of fraud, misrepresentation and coercion on the plea that defendant No.1 was misled by saying that she was in fact to transfer the land in favour of the plaintiff, who is father of beneficiaries under the said decree. It was on account of fraud and misrepresentation and pressure of grandsons that she appeared in the Court and filed a consent written statement. The plea that the suit land was ancestral coparcenary property, was also taken.

The learned Courts below have held that the property was not ancestral property and no evidence in this regard was led. An attempt was

made to get the decree by consent as the defendant impleaded by the plaintiff, filed consent written statement. However, defendant No.4 Rajesh by claiming herself to be widow of late Vikram Singh contested the suit by becoming a party.

The learned Courts below prima facie by recording a concurrent finding that defendant No.4 was married to late Vikram, allowed her to contest the suit. The learned Courts below on appreciation of evidednce have recorded a concurrent finding of fact that the plea, that the decree under challenge was suffered by fraud, misrepresentation and coercion, was not proved on record and consequently dismissed the suit.

The concurrent findings of fact recorded by the learned Courts below are not open to challenge in the regular second appeal nor any question of law muchless substantial question of law arises in this appeal for consideration.

Dismissed.

29.10.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**